

## MINUTES

### Tennessee Board of Examiners for Land Surveyors

The Tennessee Board of Examiners for Land Surveyors met on Wednesday, February 24, 2010 at 10:00 a.m. in the 2<sup>nd</sup> Floor Conference Room of the Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN.

Those present were: Jackie Dillehay, Chairman; Tim Lingerfelt, Vice-Chairman; Sue Braly, Board Member; David Cagle, Board Member; Robert Herndon, Attorney for the Board; Laura Betty, Litigation Attorney for the Board; Susan Lockhart, Executive Administrative Assistant; and Donna Moulder, Administrative Director for the board.

The meeting was called to order at 10:07 a.m. by Chairman Dillehay.

The agenda was then reviewed. Mr. Cagle then made a motion to accept the agenda as amended. Mr. Lingerfelt seconded the motion. The motion carried unopposed.

The minutes of the previous meeting were then reviewed. Ms. Braly made a motion to accept the minutes as read. Mr. Cagle seconded the motion. The motion carried unopposed.

### **NEW BUSINESS**

A letter from Representative John Tidwell regarding some plats that he prepared in the 1970's was reviewed. After some discussion, Mr. Lingerfelt made a motion for Chairman Dillehay and Mr. Herndon to draft a written response to Representative Tidwell for Chairman Dillehay's signature. Mr. Cagle seconded the motion. The motion carried unopposed.

A letter from the Upper Cumberland TAPS Chapter regarding the recent continuing education changes was reviewed. Mr. Lingerfelt agreed to send a written response indicating that the board decided at the last meeting to wait one year before they revisit the rules concerning continuing education requirements.

Chairman Dillehay advised the board that Howard Dawson recently submitted his resignation from the Continuing Education Advisory Committee. Mr. Lingerfelt recommended that the board ask for nominations at the TAPS meeting scheduled for the next week. Chairman Dillehay advised Ms. Moulder that the board would appoint a replacement for Mr. Dawson at the board meeting scheduled in April and asked that it be placed on the agenda.

A letter from Todd Bishop requesting a waiver to retake the exam was reviewed. After some discussion, Ms. Braly made a motion to require Mr. Bishop to submit a new application and in consideration of policies regarding public safety to not issue a waiver due to hardships. Mr. Cagle seconded the motion. The motion carried unopposed.

A concerned citizen submitted a map to the board and asked that they review it for compliance. Mr. Herndon advised that this was not in the form of a complaint but one may be opened based on the board's decision. The board determined that there was not enough information. Chairman Dillehay advised Mr. Herndon to ask the citizen to elaborate on their concerns and submit any additional documentation that may be helpful.

A copy of a cease and desist letter issued on behalf of the board to C2C was reviewed. The board agreed that it accurately reflected their opinion and Mr. Herndon stated that he would advise the board of any response that he receives or if he fails to receive one in the timeframe indicated in the letter.

A PDH request from Bluegrass Engineering and the recommendations from the Continuing Education Committee members were reviewed. Mr. Lingerfelt made a motion to approve the courses submitted as two (2) PDH's per class only if taught as part of a seminar. Mr. Cagle seconded the motion. The motion carried unopposed.

A PDH request from Niles Surveying Company was reviewed. Mr. Lingerfelt advised that the board cannot approve a PDH for 0.25 hours. After some discussion, Mr. Lingerfelt made a motion to approve four (4) PDH's for the seminar and asked Ms. Moulder to send a letter to the applicant indicating the board's displeasure about being asked to approve the course "after the fact"; that they did not follow the appropriate procedures in their request; and any future requests submitted late will not be approved. Mr. Cagle seconded the motion. The motion carried unopposed.

Chairman Dillehay asked that it be stated in the minutes that future requests similar to the one just reviewed would be received negatively by the board and will not be approved.

The board clarified that a surveyor residing and licensed in another state may receive credit for any courses taken that are approved by that state as long as it would typically be accepted in Tennessee and proof of completion is received by the board.

The continuing education submitted by William M. Burns was reviewed. Mr. Lingerfelt recommended that the matter be deferred until after the lunch break to

give Ms. Moulder an opportunity to review the file and the course information previously submitted.

The continuing education submitted by D. Michael North was reviewed. Chairman Dillehay recommended that the matter be deferred until after the lunch break to give Ms. Moulder an opportunity to review Mr. North's records from 2008 and 2009.

Mr. Lingerfelt asked if the notice of rulemaking hearing was posted on the board's web site and if that information could be shared with TAPS. Mr. Herndon advised that a copy of the notice is listed on the Secretary of State's web site. Ms. Moulder advised that an announcement regarding the hearing is listed on the board's website and she would post a PDF copy of the complete document.

The board reviewed a request from the Continuing Education Advisory Committee asking the board to define a "correspondence course." Chairman Dillehay read a response drafted by Mr. Lingerfelt. After some discussion, Mr. Lingerfelt made a motion to advise the committee of the amended definition proposed. Mr. Cagle seconded the motion. The motion carried unopposed. Mr. Herndon advised that he would review the definitions listed in the rules to determine what needs to be updated.

Mr. Lingerfelt expressed his concerns with the recent issues relating to the late payment to the exam proctor. He suggested that the contract be revisited and possibly amended regarding the responsibility of locating a facility to host exams as it generally requires a sizeable deposit that the proctor must wait until after the exam to be reimbursed for. He also recommended that the board obtain copies of the state's portion of the exam and the exam procedures on an annual basis to have on file so they can administer the exam in the event of an emergency.

Chairman Dillehay advised the board that Representative Tidwell has proposed legislation that architects/engineers performing as architects/engineers not be required to obtain additional licenses affecting both TCA 4-3-13 and Chapter 62. He further advised that he had been in contact with the Board of Architects and Engineers and they determined during their regular meeting that they have "no position" regarding this proposed legislation. He expressed his concern that it would muddy the waters as the Board of Architects and Engineers does not have a definition for an engineer but the Board of Land Surveyors does define a surveyor.

Ms. Moulder presented the reexamination applications for applicants only required to pay a reexamination fee (taken the test two or less times) for the board's approval. All applications were approved.

The board adjourned for lunch at 11:43 a.m.

The board then reviewed applications for the April 16-17, 2010 exam. The following applications were DENIED:

- ❖ *Christy Garrett* – The board feels a more detailed explanation of her field work is needed.
- ❖ *Matthew E. Turner* – It appears to the board that the applicant does not appear to have enough hours from List I nor does the board have a syllabus for the courses for which the applicant is seeking credit.
- ❖ *James T. Tinsley* – His references indicate that additional experience is needed.
- ❖ *Bryan Timothy Sauceman* – His education information indicated that he would not receive his degree until May 2011. He will need to reapply for the April 2011 PLSIT exam.
- ❖ *William Holloman* – Application was incomplete. After reviewing the applicant's transcripts, the board was unable to make a determination of the courses for which the applicant was seeking credit as the courses were not highlighted as instructed on the application nor was the course reporting form completed and submitted with the application
- ❖ *Gary Christian Watts* – Mr. Watts requested to retake the exam. The board denied his request because they felt like, according to the information submitted on his request form, he did not demonstrate "progressive advancement through seminars, courses, etc."

The following applications were APPROVED to take the April 2010 exam:

Lance Lingerfelt  
Steven Craig Matthews  
David Jonathan Cochran  
Keith Ryan Brotherton (PLSIT)  
Blake Andrew Crews (PLSIT)  
Jason Alan Garrett (PLSIT)  
Christopher Lyle Goetz (PLSIT)  
Ryan Dax Hillhouse (PLSIT)  
Andrew Stephen Lammons (PLSIT)  
Robert Keith Belk  
Daniel Allen Givens  
Ashley Lanette Rose-Nalin  
Stanley Todd Reese  
Paul Jeffery Menz  
Brian Todd Bartlett  
Andrew Micah Camp  
Stephen Lee Cahill  
Thomas William Crow  
Jamie F. Higgins  
Robert C. Hooks

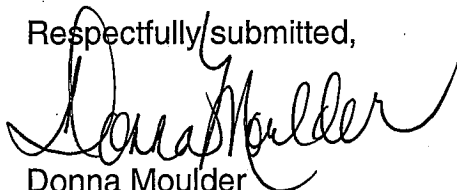
Angel Dawn Johnson  
Derek Klinkenborg  
Craig Allen Loehrke  
Derek Scott Meadows  
Robert Nathan Osborne  
Craig David Pennington  
Douglas Daniel Piepmeir  
Justin Corwin Rains  
Gulshan Lal Sawhney  
Jason Hubert Senn  
Charles Stuart  
James Edwin McKinney  
Larry Keith Moore  
Nicholas Ryan Northcutt  
Thomas Andrew Draper  
Benjamin Christopher Hudson  
Charles Scott Goan  
Ryan MacNair Henley  
Stephen B. Murrell  
Steven Gregory Ball

Daniel Neil Baker  
Richard Ervin LeMay, Jr.  
Tyler Gregg McCoy  
Christopher Lee Freeman  
Don Hatton VanHook, Jr.  
Ryan William Beasley  
Robert H. Cabrera  
Calvin Matthew Capps, Jr.  
John Gregory Smith

David John Griswold  
Danl Lyle Hall  
William C. Hamilton  
Jim Garrison McGowan  
Mary Elizabeth O'Neal  
Michael William O'Neal  
Joe M. Pence  
Herbert Ford Simmons

There being no further business, the meeting adjourned at 4:25 p.m.

Respectfully submitted,



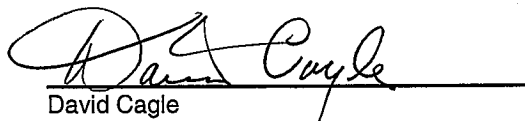
Donna Moulder  
Administrative Director



Jackie Dillehay, Chairman



Tim Lingerfelt, Vice-Chairman



David Cagle



Sue Braly